

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1604 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 6-6-9.7-7, AS AMENDED BY P.L.214-2005,
4 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 7. (a) The city-county council of a county that
6 contains a consolidated city may adopt an ordinance to impose an
7 excise tax, known as the county supplemental auto rental excise tax,
8 upon the rental of passenger motor vehicles and trucks in the county for
9 periods of less than thirty (30) days. The ordinance must specify that
10 the tax expires December 31, 2027.
11 (b) Except as provided in subsection (c), the county supplemental
12 auto rental excise tax that may be imposed upon the rental of a
13 passenger motor vehicle or truck equals two percent (2%) of the gross
14 retail income received by the retail merchant for the rental.
15 (c) On or before June 30, 2005, the city-county council may, by
16 ordinance adopted by a majority of the members elected to the
17 city-county council, increase the tax imposed under subsection (a) from
18 two percent (2%) to four percent (4%). The ordinance must specify
19 that:
20 (1) if on December 31, 2027, there are obligations owed by the
21 capital improvement board of managers to the Indiana stadium
22 and convention building authority or any state agency under
23 IC 5-1-17-26, the original two percent (2%) rate imposed under
24 subsection (a) continues to be levied after its original expiration
25 date set forth in subsection (a) and through December 31, 2040;
26 and
27 (2) the additional rate authorized under this subsection expires on:
28 (A) January 1, 2041;
29 (B) January 1, 2010, if on that date there are no obligations
30 owed by the capital improvement board of managers to the
31 Indiana stadium and convention building authority or to any

1 state agency under IC 5-1-17-26; or

2 (C) October 1, 2005, if on that date there are no obligations
3 owed by the capital improvement board of managers to the
4 Indiana stadium and convention building authority or to any
5 state agency under a lease or a sublease of an existing capital
6 improvement entered into under IC 5-1-17, unless waived by
7 the budget director.

8 (d) The amount collected from that portion of county supplemental
9 auto rental excise tax imposed under:

10 (1) subsection (b) and collected after December 31, 2027; and

11 (2) under subsection (c);

12 shall, in the manner provided by section 11 of this chapter, be
13 distributed to the capital improvement board of managers operating in
14 a consolidated city or its designee. So long as there are any current or
15 future obligations owed by the capital improvement board of managers
16 to the Indiana stadium and convention building authority created by
17 IC 5-1-17 or any state agency pursuant to a lease or other agreement
18 entered into between the capital improvement board of managers and
19 the Indiana stadium and convention building authority or any state
20 agency under IC 5-1-17-26, the capital improvement board of managers
21 or its designee shall deposit the revenues received under this
22 subsection in a special fund, which may be used only for the payment
23 of the obligations described in this subsection.

24 **(e) On or before June 30, 2009, the city-county council may, by**
25 **ordinance adopted by a majority of the members elected to the**
26 **city-county council, increase the tax imposed under subsection (a)**
27 **from four percent (4%) to six percent (6%). The ordinance must**
28 **specify that the increase in the tax authorized under this subsection**
29 **expires January 1, 2020. The amount collected from an increase**
30 **adopted under this subsection shall be transferred to the capital**
31 **improvement board of managers established by IC 36-10-9-3 or its**
32 **designee. The capital improvement board or its designee shall**
33 **deposit the revenue received under this subsection in the sports and**
34 **convention facilities operating fund established by IC 36-7-31-16.**
35 **This subsection expires January 1, 2020.**

36 ~~(e)~~ **(f)** If a city-county council adopts an ordinance under subsection
37 (a), ~~or~~ (c), **or (e)**, the city-county council shall immediately send a
38 certified copy of the ordinance to the commissioner of the department
39 of state revenue.

40 ~~(f)~~ **(g)** If a city-county council adopts an ordinance under subsection
41 (a), ~~or~~ (c), **prior to or (e) before** June 1, the county supplemental auto
42 rental excise tax applies to auto rentals after June 30 of the year in
43 which the ordinance is adopted. If the city-county council adopts an
44 ordinance under subsection (a), ~~or~~ (c), **or (e)** on or after June 1, the
45 county supplemental auto rental excise tax applies to auto rentals after
46 the last day of the month in which the ordinance is adopted.

47 SECTION 2. IC 6-8.1-1-1, AS AMENDED BY P.L.131-2008,

SECTION 27, AS AMENDED BY P.L.146-2008, SECTION 358, AND AS AMENDED BY P.L.95-2008, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); *the type II gambling game excise tax (IC 4-36-9)*; the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); *the municipal option income tax (IC 6-3.5-8)*; the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); *the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1)*; the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); **the Marion County alcoholic beverage tax (IC 6-9-12.5)**; the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer."

Page 4, line 2, delete "2041." and insert "**2020.**".

Page 4, line 7, delete "2009." and insert "**2009, and before January 1, 2020. This subsection expires January 1, 2020.**".

Page 4, line 26, delete "a special fund, which may be used" and insert "**the sports and convention facilities operating fund established by IC 36-7-31-16.**".

Page 4, delete lines 27 through 42.

Delete pages 5 through 6.

Page 7, delete lines 1 through 2, begin a new paragraph and insert:

"SECTION 7. IC 6-9-12.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 12. Marion County Alcoholic Beverage Tax

Sec. 1. This chapter applies only in a county in which a consolidated city is located.

Sec. 2. "Alcoholic beverage", as used in this chapter, has the meaning set forth in 7.1-1-3-5.

Sec. 3. (a) After January 1 but before June 1 of any year, the city-county council of a county that contains a consolidated city may adopt an ordinance to impose an excise tax, known as the county alcoholic beverage tax, on the sale or gift, or the withdrawal for sale or gift, of an alcoholic beverage that is:

(1) subject to tax under IC 7.1-4; and

(2) to be delivered for resale within the county.

The tax does not apply to a transaction that is a retail sale by a retail merchant of an alcoholic beverage for on-premises consumption.

(b) If a city-county council adopts an ordinance under subsection (a), it shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

(c) If a city-county council adopts an ordinance under subsection (a), the ordinance must specify that the tax expires January 1, 2020. The tax applies to transactions after June 30 of the year in which the ordinance is adopted and before January 1, 2020.

Sec. 4. (a) The county alcoholic beverage tax rate must be specified as a rate in one cent (\$0.01) increments per gallon and be set forth in the ordinance. However, the rate may not exceed the following:

(1) Eleven cents (\$0.11) on each gallon of beer or flavored malt beverage.

(2) Two dollars and sixty-eight cents (\$2.68) on each gallon of liquor.

(3) Forty-seven cents (\$0.47) on each gallon of wine.

(4) Five cents (\$0.05) on each gallon of liquid malt or wort.

(5) Eleven cents (\$0.11) on each gallon of hard cider.

(b) The county alcoholic beverage tax on a particular beverage shall be imposed, paid, and collected in the same manner and at the same times as the tax under IC 7.1-4 is imposed, paid, and collected for that particular alcoholic beverage. The department of state revenue shall adopt rules, under IC 4-22-2, and procedures to implement the tax under this chapter.

Sec. 5. (a) The amounts received from the county alcoholic beverage tax shall be paid monthly by the treasurer of state to the treasurer of the capital improvement board of managers of the county or its designee upon warrants issued by the auditor of state.

(b) The capital improvement board or its designee shall deposit the revenue received under this section in the sports and convention facilities operating fund established by IC 36-7-31-16.

(c) This chapter expires January 1, 2020."

Page 7, line 17, after "chapter." insert **"The ordinance must specify that the increase in the increase authorized under this subsection expires January 1, 2020. The tax applies to transactions after June 30 of the year in which the ordinance is adopted and before January 1, 2020. This subsection expires January 1, 2020."**

Page 7, line 37, delete "a special fund, which may be used" and insert **"the sports and convention facilities operating fund established by IC 36-7-31-16."**

Page 7, delete lines 38 through 42.

Page 8, delete lines 1 through 10.

Page 14, delete line 40.

Page 15, line 38, delete "Fifty percent (50%) of the" and insert **"The"**.

Page 17, line 26, after "adopted." insert **"However, if an ordinance is adopted before December 1, 2009, and the ordinance takes effect January 1, 2010, the tax applies to transactions after December 31, 2009."**

Page 19, line 4, delete "Specifically and not in limitation of this subsection," and insert **"For purposes of this chapter,"**.

Page 19, line 5, after ""gross" insert **"retail"**.

Page 20, delete lines 34 through 42.

Delete pages 21 through 23.

Page 24, delete lines 1 through 11.

Page 29, line 27, after "chapter." begin a new paragraph and insert:

"(c) The amount of revenue that may be captured from the tax area addition is to be reduced each year to the extent more than twenty-one million dollars (\$21,000,000) is deposited during the previous year in the sports and convention facilities operating fund established by IC 36-7-31-16 from the following:

(1) The supplemental auto rental excise tax under IC 6-6-9.7.

(2) The innkeeper's tax under IC 6-9-8.

(3) The county alcoholic beverage tax under IC 6-9-12.5.

(4) The admissions tax under IC 6-9-13.

(5) The commercial parking fee under IC 36-9-12-9.

The budget director shall make an annual determination whether the amount captured should be reduced for a year because more than twenty-one million dollars (\$21,000,000) is deposited during the previous year in the sports and convention facilities operating fund. The reduction in distributions of covered taxes in the year of the determination is the amount necessary to offset the amount by which the twenty-one million dollars (\$21,000,000) was exceeded in the previous year."

Page 29, line 30, after "be" insert **"counted toward the maximum amount that may be captured and shall not be"**.

Page 29, line 34, delete "(c)" and insert **"(d)"**.

Page 30, line 12, delete "(d)" and insert **"(e)"**.

Page 30, line 16, delete "(e)" and insert **"(f)"**.

Page 32, between lines 9 and 10, begin a new paragraph and insert:
 "SECTION 43. IC 36-7-31.3-8, AS AMENDED BY P.L.1-2006,
 SECTION 570, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) A designating body may
 designate as part of a professional sports and convention development
 area any facility that is:

(1) owned by the city, the county, a school corporation, or a board
 under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and
 used by a professional sports franchise for practice or competitive
 sporting events; or

(2) owned by the city, the county, or a board under IC 36-9-13,
 IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used as one (1) of
 the following:

(A) A facility used principally for convention or tourism
 related events serving national or regional markets.

(B) An airport.

(C) A museum.

(D) A zoo.

(E) A facility used for public attractions of national
 significance.

(F) A performing arts venue.

(G) A county courthouse registered on the National Register
 of Historic Places.

A facility may not include a private golf course or related
 improvements. The tax area may include only facilities described in
 this section and any parcel of land on which a facility is located. An
 area may contain noncontiguous tracts of land within the city, county,
 or school corporation.

(b) Except for a tax area that is located in a city having a population
 of:

(1) more than one hundred fifty thousand (150,000) but less than
 five hundred thousand (500,000); or

(2) more than ninety thousand (90,000) but less than one hundred
 five thousand (105,000);

a tax area must include at least one (1) facility described in subsection
 (a)(1).

(c) A tax area may contain other facilities not owned by the
 designating body if:

(1) the facility is owned by a city, the county, a school
 corporation, or a board established under IC 36-9-13, IC 36-10-8,
 IC 36-10-10, or IC 36-10-11; and

(2) an agreement exists between the designating body and the
 owner of the facility specifying the distribution and uses of the
 covered taxes to be allocated under this chapter.

**(d) This subsection applies to all tax areas located in a county
 having a population of more than three hundred thousand
 (300,000) but less than four hundred thousand (400,000). The**

facilities located at an Indiana University-Purdue University regional campus are added to the tax area designated by the county. The maximum amount of covered taxes that may be captured in all tax areas located in the county is three million dollars (\$3,000,000) per year, regardless of the designating body that established the tax area. The county option income taxes imposed under IC 6-3.5 that are captured must be counted first toward this maximum.

SECTION 44. IC 36-7-31.3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in the tax area to the professional sports and convention development area fund established for the city or county. The allocation provision must apply to the entire tax area. **However, for all tax areas located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000), the allocation each year must be as follows:**

(1) The first two million six hundred thousand dollars (\$2,600,000) shall be transferred to the county treasurer for deposit in the supplemental coliseum improvement fund.

(2) The remaining four hundred thousand dollars (\$400,000) shall be transferred to the treasurer of the joint county-city capital improvement board in the county.

The resolution must provide the tax area terminates not later than December 31, 2027.

(b) In addition to subsection (a), all of the salary, wages, bonuses, and other compensation that are:

- (1) paid during a taxable year to a professional athlete for professional athletic services;
- (2) taxable in Indiana; and
- (3) earned in the tax area;

shall be allocated to the tax area if the professional athlete is a member of a team that plays the majority of the professional athletic events that the team plays in Indiana in the tax area.

(c) The total amount of state revenue captured by the tax area may not exceed:

(1) five dollars (\$5) per resident of the city or county per year for twenty (20) consecutive years **for a tax area not located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or**

(2) eight dollars (\$8) per resident of the county per year for all tax areas located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(d) The resolution establishing the tax area must designate the facility or proposed facility and the facility site for which the tax area is established.

(e) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

SECTION 45. IC 36-10-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The board is composed of nine (9) members **until January 15, 2010. Beginning January 15, 2010, the board is composed of eleven (11) members.** Six (6) members shall be appointed by the executive of the consolidated city, two (2) members shall be appointed by the board of commissioners of the county, and one (1) member shall be appointed by the legislative body of the consolidated city from among the members of the legislative body. One (1) of the members appointed by the executive must be engaged in the hotel or motel business in the county. Not more than four (4) of the members appointed by the executive may be affiliated with the same political party and not more than one (1) member appointed by the board of commissioners may be affiliated with the same political party. **The two (2) additional board members whose terms begin January 15, 2010, shall be appointed by the governor. One (1) of these members must reside in a county in which a food and beverage tax is in effect under IC 6-9-35 on January 1 of the year of the appointment.**

(b) The terms of members are for two (2) years beginning on January 15 and until a successor is appointed and qualified. A member may be reappointed after the member's term has expired.

(c) If a vacancy occurs on the board, the appointing authority shall appoint a new member. That member serves for the remainder of the vacated term.

(d) A board member may be removed for cause by the appointing authority who appointed the member.

(e) Each member, before entering upon the duties of office, shall take and subscribe an oath of office in the usual form. The oath shall be endorsed upon the member's certificate of appointment, which shall be promptly filed with the records of the board.

(f) A member does not receive a salary, but is entitled to reimbursement for any expenses necessarily incurred in the performance of the member's duties."

Page 32, line 19, delete "the municipality" and insert "**a consolidated city**".

Page 32, line 32, delete "other" and insert "**, in the case of a consolidated city, a**".

Page 33, line 8, after "(B)" insert "**in the case of a consolidated city,**".

Page 33, line 14, after "costs;" insert "**and**".

Page 33, between lines 14 and 15, begin a new line block indented and insert:

1 **"(10) in the case of a consolidated city:".**

2 Page 33, line 15, delete "(10)", begin a new line double block
3 indented and insert:

4 **"(A)".**

5 Page 33, line 15, delete "(11)", begin a new line double block
6 indented and insert:

7 **"(B)".**

8 Page 33, line 42, delete "municipality" and insert "**consolidated**
9 **city**".

10 Page 34, between lines 2 and 3, begin a new paragraph and insert:

11 "SECTION 53. IC 36-9-12-9 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: **Sec. 9. (a) A consolidated city may impose a fee**
14 **for parking at a commercial parking establishment in an amount**
15 **set by ordinance. The operator of the commercial parking**
16 **establishment shall collect the fee and remit fees collected each**
17 **month to the county treasurer before the tenth day of the following**
18 **month. The amounts received from the fees shall be transferred to**
19 **the treasurer of the capital improvement board of managers of the**
20 **county.**

21 **(b) The capital improvement board or its designee shall deposit**
22 **the revenue received under this section in the sports and**
23 **convention facilities operating fund established by IC 36-7-31-16.**

24 **(c) This section expires January 1, 2020."**

25 Re-number all SECTIONS consecutively.

(Reference is to EHB 1604 as printed April 7, 2009.)

Senator KENLEY